UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

HERBERT ALONZO ROBINSON,	)	Civil Action No.: 2:06-cv-985-RBH
	)	
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
BILLY A. GREEN; MS. KERCHEK;	)	
SHERYL WEST; PENNY HAMBURG;	)	
MS. WEINRICH; VICTORIA WILLIAMS;	)	
MS. BAKER; MR. LECHENY; and MS.	)	
GIBSON, in their individual capacities,	)	
	)	
Defendants.	)	
	)	

Plaintiff, proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983 alleging that he did not receive medical care for his diabetes while has was a pre-trial detainee at the Charleston County Detention Center from June 2003 until October 2003. Specifically, Plaintiff alleges he was not provided the medications gluccotrol and gluccophage during that time period.

This matter comes before the court with the Report and Recommendation [Docket Entry #39] of Magistrate Judge Robert S. Carr. The Magistrate Judge recommended the Defendants' motions for summary judgment be granted, and that the action be deemed a "strike" against the Plaintiff under 28 U.S.C. § 1915A. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation on April 9, 2007.

Standard of Review

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this

court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of those portions of the report and recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1).

The district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's report to which objections have been filed. *Id*. However, the district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. *Orpiano v. Johnson*, 687 F.2d 44, 47-48 (4th Cir. 1982).

Discussion

The Magistrate Judge found that summary judgment should be granted because the Plaintiff had failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a). Additionally, the Magistrate Judge found that the Defendants were entitled to summary judgment on the merits because the Plaintiff had not received constitutionally inadequate medical care for his diabetes. In particular, the Magistrate Judge found that based upon the medical records and other documents submitted in this case the Defendants were not deliberately indifferent to the Plaintiff's medical needs as there was no indication that the Plaintiff suffered from diabetes until August 29, 2003, and that beginning on August 30, 2003, the Plaintiff began receiving the medications gluccotrol and gluccophage for his diabetes.

Having reviewed the record and applicable law, the court agrees with the recommendations of the Magistrate Judge and finds that the Magistrate Judge correctly applied

the law to the facts of this case. The court has reviewed the Plaintiff's objections and finds that they are without merit. At best, the Plaintiff's allegations amount to medical negligence for a brief period of time. Plaintiff's allegations, however, do not amount to deliberate indifference.

Conclusion

For the reasons stated above and by the Magistrate Judge, the court overrules Plaintiff's objections and adopts and incorporates the Magistrate Judge's Report and Recommendation herein by reference. Accordingly, Defendants' [Docket Entry ## 23 and 24] motions for summary judgment are **GRANTED**. Plaintiff's complaint is hereby **DISMISSED with prejudice**. Additionally, this action shall be deemed a "strike" against the Plaintiff under 28 U.S.C. § 1915A.

IT IS SO ORDERED.

May 11, 2007   s/ R. Bryan Harwell
Florence, South Carolina   R. Bryan Harwell
                                                              United States District Judge